

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

CHAPTER 111

Subchapter 10

Swimming Areas

37.111.1001 DEFINITIONS For the purposes of this subchapter, the following definitions apply, in addition to those in 50-53-102, MCA:

(1) "Dropoff" means the physical condition where the bottom slope of a designated swim area exceeds 1 foot of vertical drop over a distance of 3 horizontal feet.

(2) "Health department" means the department of public health and human services or the local or county health department having jurisdiction over the area in which the public bathing place is located. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-102 and 50-53-103, MCA; Eff. 12/31/72; AMD, 2000 MAR p. 3232, Eff. 11/23/00; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1002 PRECONSTRUCTION REVIEW (1) Every person planning to construct or develop a public bathing area shall file a copy of the plans with the department for review and approval before construction is begun.

(2) Information relative to any changes in management or ownership of such public bathing places shall be given to the department. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1003 PRELIMINARY INSPECTION (1) No person shall begin the development of a public bathing place without first applying to the health officer having jurisdiction for a review and approval of the area.

(2) The public bathing place shall be developed and operated in accordance with criteria upon which the approval of the area by the department was granted. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 04 through 09 reserved

37.111.1010 WATER SUPPLY (1) Waters for public bathing areas shall be of the best chemical and bacterial quality

available.

(a) In passing on the quality of water, consideration shall be given to the results of chemical and physical analyses of the water, the results of bacteriological analyses and information obtained by a sanitary survey of sources of pollution, consideration of flow, currents and other conditions which may adversely affect the water quality.

(b) Waters approved safe for bathing shall meet the following criteria:

(i) The sanitary survey shall find the area free of domestic or industrial wastes and potential health or safety hazards.

(ii) Bathing waters shall be of such chemical, physical and bacteriological quality so as not to endanger the health of the bathers during periods that the public bathing place is open for use. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1011 GARBAGE: STORAGE AND DISPOSAL (1) A public bathing place shall be kept free of all accumulation of trash, garbage, filth and debris by providing covered receptacles for discarded materials at convenient locations throughout the area.

(2) Containers shall be emptied at such frequency so as not to become a nuisance or cause the attraction and breeding of flies and vermin. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1012 TOILET FACILITIES (1) All public bathing places shall be provided with separate toilets for both males and females and all such facilities shall be kept clean and free from dirt, refuse, soiled toweling and other noxious materials.

(2) Toilets shall be provided on the basis of one toilet stool for each 50 females and one toilet stool and one urinal for each 75 males.

(3) Where flush type toilets are used, adequate sewage treatment facilities must be provided. Plans for proposed sewage disposal shall be presented to the department for review

and approval.

(4) Where water under pressure is available, lavatory facilities shall also be provided on the basis of one lavatory for each 75 persons. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1013 BATHHOUSE (1) If dressing rooms, bathhouses, cabanas or change houses are provided, there shall be separate facilities for each sex.

(2) Floors of the bathhouse shall be of smooth finished material with non-slip surface, impervious to moisture and sloped to a drain. Junctions between walls and floors shall be coved.

(3) Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Partitions between individual dressing rooms shall terminate at least 10 inches above the floor or shall be placed on continuous raised masonry or concrete bases at least 4 inches high or on legs with the bottom of the locker at least 10 inches above the floor. Lockers shall be properly ventilated.

(4) All dressing rooms shall be maintained clean and free from dirt, refuse and other noxious materials.

(5) Adequate showers are recommended for cleansing after bathing. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 14 through 20 reserved

37.111.1021 SAFETY REQUIREMENTS (1) The following safety provisions are required:

(a) Signs, buoys or other markers must be placed to mark the depth of water over 3 feet deep and to mark the exterior limits of the designated swimming area; the markers must be located not more than 100 feet apart and be visible to a person of ordinary visual acuity at a distance of not less than 100 feet.

(b) Signs or buoys indicating the existence of a dropoff must be installed on the shoreline at the site closest to the dropoff.

(c) Each public bathing place must be equipped with lifesaving equipment that consists of not less than either a rescue tube or, in the alternative, one lifesaving ring 15 inches in diameter attached to at least 75 feet of 1/4 inch manila-line, which must be hung in a conspicuous place on the beach and be kept readily available for use.

(d) The swimming area must be protected from all motorized or wind propelled water craft and their towed devices.

(e) In addition to the requirements of ARM 37.111.1022, a designated swimming area that has a diving board and diving area must meet the following lifeguard requirements:

(i) Each such area must have at least one lifeguard regardless of its size, and for those with over 2,000 square feet of swimming area, at least one lifeguard per 2,000 square feet of swimming area or fraction thereof;

(ii) Each lifeguard must be assigned the responsibility and authority for enforcing all safety rules in the swimming area;

(iii) Each lifeguard must be currently certified:

(A) by either the American red cross or the American heart association in methods of cardiopulmonary resuscitation (CPR), first aid, and water safety or its equivalent; and

(B) as having completed lifeguard training by either the American red cross, the young men's christian association, the boy scouts, or ellis and associates, inc. of Kingwood, Texas.

(iv) A copy of each lifeguard's required certifications must be kept on the premises of the swimming area and be available for review and verification during inspections;

(v) Each lifeguard must be at least 15 years of age;

(vi) The required number of lifeguards must be on duty at all times when the swimming area is open during its posted hours of operation; and

(vii) A lifeguard station consisting of an elevated chair with an unobstructed clear view of the swimming area must be provided for each 2,000 square feet or fraction thereof of the swimming area.

(f) A public bathing place without a diving board and diving area need not provide lifeguards if it conspicuously posts at the entrance of the designated swimming area and near the water of the swimming area warning signs that state "NO LIFEGUARD ON DUTY" and "SWIM AT YOUR OWN RISK", or words of equivalent meaning, with clearly legible letters at least 4 inches high. If a lifeguard is provided, the requirements of (1)(e) above must be met.

(g) A sign indicating the area designated for swimming must be posted on the shore adjacent to the designated swimming area and at the entrance to the swimming area. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103 and 50-53-107, MCA; Eff. 12/31/72; AMD, 2000 MAR p. 3232, Eff. 11/23/00; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1022 DIVING BOARD AND AREA (1) Diving towers, spring boards or diving floats when provided must be rigidly constructed and securely anchored.

(2) The minimum depth of water under the end of the diving board and for 12 feet beyond must be as follows:

<u>Height of Board in Meters</u>	<u>Depth of Water</u>
0.0 - 2.0	8 1/2 feet
2.1 - 3.0	10 feet
3.1 or more	11 1/2 feet

(3) An area of 13 vertical feet above a diving board, horizontally at least 8 feet behind, 8 feet to each side, and 16 feet forward, measured from the center of the front end of the board, must be unobstructed.

(4) There must be a horizontal separation of at least 10 feet between diving boards, unless the boards are situated less than 1 meter above the water, in which case they must be situated at least 8 feet from each other. If one board is situated less than 1 meter above the water and an adjacent board is situated higher than that, the two boards must be separated by at least 10 feet.

(5) The lifeguard requirements of ARM 37.111.1021(1)(e) must be met. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103 and 50-53-107, MCA; Eff. 12/31/72; AMD, 2000 MAR p. 3232, Eff. 11/23/00; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1023 OPERATING REQUIREMENTS (1) No person having a communicable disease shall be employed at a public bathing place. All patrons or swimmers suspected of having an infectious disease, cough, cold, sores or wearing bandages shall be excluded from the bathing place except as may be permitted upon presentation of a written statement from the health officer as being approved to use the bathing place.

(2) Every public bathing place shall be under the supervision of a person who is fully capable of and shall assume the responsibility for compliance with this subchapter relating to swimming area operation and maintenance and safety of bathers.

(3) Instructions covering who to call in case of emergency shall be prominently posted. (History: Sec. 50-53-103, MCA; IMP, Sec. 50-53-103, MCA; Eff. 12/31/72; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1024 INSPECTIONS (1) Whenever a local board of health conducts the inspections required by 50-53-209, MCA, of a public swimming pool or public bathing place operated year-round, it must ensure that at least one inspection is conducted every 6 months by the local health officer, or a sanitarian or

sanitarian-in-training employed or contracted with the local board of health. In addition, the foregoing individuals and a designated representative of the department are authorized to conduct the inspections as deemed necessary to insure compliance with the provisions of this subchapter.

(2) A full facility inspection requires an inspection for compliance with all the requirements of this subchapter.

(3) A critical point inspection requires an inspection for compliance with 50-53-107, MCA, and ARM 37.111.1010 and 37.111.1021. (History: Sec. 50-53-103 and 50-53-218, MCA; IMP, Sec. 50-53-103, 50-53-209 and 50-53-218, MCA; Eff. 12/31/72; AMD, 1994 MAR p. 1998, Eff. 7/22/94; AMD, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.1025 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL REGULATORY AUTHORITIES (1) To qualify for reimbursement under 50-53-218, MCA, the local board of health must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local board of health and the department consistent with this subchapter, or meet each of the following requirements:

(a) At least one sanitarian working with or for the local board of health must receive training from the department in public bathing place inspection techniques. The department is responsible for making training available on a periodic basis.

(b) The local board of health must ensure that the following are done by the local health officer, sanitarian, or sanitarian-in-training:

(i) Upon notification by the department, a prelicensing inspection pursuant to ARM 37.111.1003 is made to determine compliance with the requirements of this subchapter.

(ii) Each public bathing place that is available for use year-round and is within the jurisdiction of the local board of health is inspected at least once every 6 months, and each public bathing place that is restricted to seasonal use, at least once every 12 months.

(iii) Quarterly inspection reports are submitted to the department within 10 days following the close of each quarter of the fiscal year (1st quarter--September 30; 2nd quarter--December 31; 3rd quarter--March 31; 4th quarter--June 30) on forms approved by the department.

(iv) All documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions, is retained for 5 years and copies of the documentation are submitted or otherwise made available to the department upon request.

(2) A failure by the local board of health to meet all of its responsibilities under the cooperative agreement or under (1)(a) and (b) above shall result in the withholding of funds

from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-53-103 and 50-53-218, MCA; IMP, Sec. 50-53-103 and 50-53-218, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)